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C O N F I D E N T I A L KINSHASA 000790

SIPDIS

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SUBJECT: CONGOLESE CONSTITUTION ALMOST COMPLETE, ELECTORAL  
SCHEDULE BEING RVIEWED

Classified By: PolCouns MSanderson, reasons 1.4 b/d.

1. (C) After several weeks of intense negotiations, the National Assembly is in the third day of final consideration of the draft constitution, which is expected to be approved by the end of this week. Substantial changes were made to the original text to address concerns earlier voiced by CIAT members and to accommodate the political positions of the various transitional government elements.

2. (C) The final draft reflects an acceptable balance of powers between the three branches of the government (executive, legislative and judicial), while still retaining the Congolese preference for a semi-Presidential versus Parliamentary system of government. Specifically: the President will appoint the Prime Minister from among the majority element of the Parliament (whether one party or a coalition) after consultation with the majority (this was changed from allowing the President simply to appoint without consultation); the Prime Minister will name the Ministers who will work for the President; the Government (defined as the Prime Minister and Ministers) will set the policy of the nation in consultation with the President (changed from the President setting the policy in consultation with the Prime Minister), and the Constitutional Court will have the power to decide disputes between the President and Prime Minister.

3. (C) The government also is expressly charged with protecting and developing its minorities, a key issue for the RCD. Reference to the death penalty (a major sticking point for the European Union) has been removed from the constitution. CIAT members are generally satisfied with the final document which, although still not perfect, is workable. Perhaps most importantly, concluding the debate on the constitution this week will allow the tentative electoral calendar to be developed and keep the Congolese on track to having all four elections currently foreseen completed before June 2006.

4. (C) Members of the international community will meet May 12 with the Independent Electoral Commission (IEC) to try to firm up the elections calendar. Following a May 7 meeting of the international steering committee for elections, technical experts, the IEC, the Ministers of Planning, Budget and the Vice Ministers of Interior (septel) the UNDP was charged with placing the order for approximately 10,000 voter registration machines, the first 2,500 of which should arrive in the DRC in time for voter registration to begin in Kinshasa before June 30. Tomorrow's meeting will attempt to provide a realistic look forward on the timing of the series of required upcoming elections-related events, to include: when national voter registration will conclude, when the national referendum on the constitution will take place, when the electoral law will be presented to Parliament, when elections campaigning will officially begin, and when the elections will begin -- and end.

5. (U) We will report more fully on the constitution and the elections calendar septels.  
DOUGHERTY